

# CHECKLIST FOR VIRGINIA EMERGENCY TEMPORARY STANDARDS

Virginia adopted mandatory workplace safety standards because of COVID-19 (the “ETS”) effective July 27, 2020. Use this checklist as a guide to steps your dealership should take to comply with the ETS. Helpful information is available from the Virginia Department of Labor and Industry (DOLI) at [doli.virginia.gov/vosh-programs/coronavirus-covid-19-resources/](http://doli.virginia.gov/vosh-programs/coronavirus-covid-19-resources/)

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## Continue COVID-19 Prevention

To remain open as a Virginia motor vehicle dealer during the pandemic, your dealership implemented precautions. The ETS requires that you continue those.

- Comply with requirements of Virginia executive orders and other government mandates
- Inform/train employees to self monitor for signs and symptoms of COVID-19, and implement policies and procedures for employees to report when experiencing symptoms of COVID-19 with no alternative diagnosis
- Ensure sick leave policies are flexible and consistent with public health guidance, and employees are aware of these policies including rights under the Family First Coronavirus Response Act
- Implement procedures for a person suspected to be infected to leave the workplace and return according to the dealership’s return to work policy.
- Ensure employees are social distancing at all times by using verbal announcements, signage, or visual cues, and by decreasing worksite density
- Where physical distancing cannot be maintained at all times, require face covering (or PPE protection if the Risk Assessment requires it)
- Limit use of common areas by closing them or controlling them, including break rooms and lunch rooms
  - As part of controls, employees must clean and disinfect the immediate area in which they were located with cleaning and disinfection products provided by employer, or employer must clean and disinfect at regular intervals
  - Hand washing and hand sanitizer must be available
  - Limit occupancy to aid social distancing
  - Post notices at entrance of common areas concerning occupancy limits, requirements for social distancing, requirements for hand washing and hand sanitizing, and cleaning and disinfecting of shared surfaces
- Continue sanitation and disinfecting regimes
  - Employees who interact with customers should have supplies to clean surfaces
  - Common areas including bathrooms must be cleaned at the end of each shift, particularly touched surfaces and doors
  - Shared tools, equipment, workspaces, and

vehicles must be cleaned prior to transfer from one employee to another

- Employees should have access to soap and water and hand sanitizer
- Implement protective measures to prevent cross contamination if you have employees with varying hazard designations
- Whenever there is more than one occupant in a vehicle ensure compliance with face covering requirements

## Steps That Must Be Taken

Under the ETS, there are steps the dealership must take that may not have been part of an existing COVID-19 prevention program.

- Perform Risk Assessment for hazards and job tasks that could expose employees to COVID-19. Separate job tasks into four risk exposure levels:
  - Very high (unlikely in dealership),
  - High (unlikely in dealership),
  - Medium (guidance suggests “retail” stores could pose medium risk, but critical tests are whether there is minimal contact with persons within six feet, mandatory face covering when incidental contact within six feet, and mandates are strictly enforced, and
  - Lower (if all employees are classified as lower risk, this will reduce compliance burdens)
  - Use DOLI form for Risk Assessment
- Establish a system to receive reports of positive COVID-19 tests by employees present at the workplace within the last 14 days. Be sure the report policy includes
  - Notification to other employees within 24 hours of discovery of possible exposure (with due regard to HIPPA anonymity requirements)
  - Notification to other employers whose employees were present at the worksite during the same time period

- Notification to building or facility owners so they can notify other tenants and take sanitization steps (unlikely in most dealerships which are single use buildings)
- Notification to the Virginia Department of Health within 24 hours of discovery of a positive case.
- Notification to the Virginia DOLI within 24 hours of discovery of three or more employees present at the place of employment within a 14 day period testing positive for COVID-19 during that 14 day period.
- Establish a return to work policy for **symptomatic** known or suspected cases by choosing a symptom-based strategy to exclude a worker from work until three days have passed since recovery and at least ten days have passed since symptoms first appeared, with potential reliance on consultation of an appropriate health care professional **or** a test based strategy which involves no fever or an improvement of respiratory symptoms and at least two negative tests (but employee cannot be required to pay for the test to return to work)
- Establish a return to work policy for **asymptomatic** employees by choosing either a time based strategy so that the person is excluded from work until at least ten days have passed since the date of first positive test (with no symptoms) with potential reliance on an appropriate health care professional **or** a test based strategy when there are two negative tests (the employee cannot be required to pay for the test to return to work)
- Establish additional requirements for hazards or job tasks classified as medium exposure risk including (i) attention to engineering controls to ensure air handling systems are installed appropriately to address COVID-19 concerns and are maintained appropriately and (ii) administrative and work practice controls
  - Prior to each work shift employees must verify or be screened that they do not have symptoms of COVID-19
  - Continued and complete physical distancing between employees and others
  - If feasible, install physical barriers
  - Implement flexible work hours/work sites
- Implement flexible travel options
- Deliver services or products remotely if possible
- Provide face coverings to employees in customer facing jobs and require employees to wear them (subject to medical/religious objections)
- Provide face coverings to suspected to be infected non-employees until they leave the site (subject to medical/religious exceptions)
- Managers with personnel hiring and disciplinary responsibilities must understand that the company cannot discriminate against an employee for exercising rights under the ETS by raising a reasonable concern with the employer, other employees, a government agency, or the public through any media
- By August 26, 2020, employers with very high or high (not likely in dealership) or medium exposure risks must provide training to **all** employees on COVID-19 risks and control measures
  - Training program should enable employees to recognize the hazards of the virus and symptoms of COVID-19 and shall train employees in the procedures employees must follow to minimize such hazards
  - Employees must certify attendance at training (consider using DOLI form)
  - Employers must be conscious of the need of retraining if, for example, changes are made to the plan
  - Designate an individual responsible for administering the plan; **or**
- By August 26, 2020, employers with only lower risk employees must provide employees with basic written or oral information on COVID-19 exposure and measures to minimize risk such as materials made available by DOLI
- By September 25, 2020, employers with 11 or more employees at the medium (and any employees at a higher) risk level must prepare an Infectious Disease Preparedness and Response Plan and train employees on the details of the plan
  - Make sure the plan includes the required provisions based upon the template published by the Virginia DOLI